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October 13, 2015

VIA HAND DELIVERY, E-MAIL & CERTIFIED /REGISTERED MAIL

Ms. Robin Kelly
Senior Campaign Finance Analyst
Federal Election Commission
999 E Street, NW
Washington, DC 20463

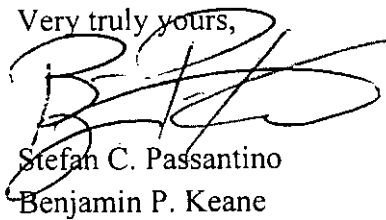
Re: August Wolf for Senate (C00577536) – Response to Request for Additional
Information Regarding 2015 Second Quarter Disclosure Report

Dear Ms. Kelly:

This correspondence issues on behalf of August Wolf for Senate (Committee Identification Number C00577536) and its Treasurer, Mr. Christophe Esposito, in response to your Request for Additional Information (RAI) dated September 7, 2015.

In your letter of that date, you identified three matters for further attention. Each of those matters, as indicated in the Appendix to this correspondence (attached hereto), relate to technical disclosure items that were either appropriately addressed by the committee (as demanded by federal campaign finance law and Federal Election Commission regulations) or that were directly caused by irregularities associated with the Commission's FEC File software program. As such, the Reports Analysis Division should not require any additional information or data from August Wolf for Senate in conjunction with the instant RAI. If questions remain upon review of the materials provided in the attached Appendix and after consideration of the data contained in the Amended 2015 Second Quarter Disclosure Report filed by the committee, please do not hesitate to contact us.

Very truly yours,



Stefan C. Passantino

Benjamin P. Keane

Counsel to August Wolf for Senate

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that will be reimbursed in the next reporting cycle. Additionally, the FEC's Guide indicates that such Schedule A entries should be matched with associated Schedule D debt entries indicating the nature of the cash advances that will be reimbursed.

After reviewing the contents of AWFS' 2015 Second Quarter Disclosure Report, it appears that all of the cash advance entries contained within the committee's submission (on both Schedule A and Schedule D) follow the guidance and examples provided by the FEC Campaign Guide. As such, it is unclear what (if anything) the Reports Analysis Division feels is incorrect about the committee's present disclosure of the described non-travel cash advances made and reimbursed in different reporting periods. In an attempt to ascertain what changes the Reports Analysis Division would like AWFS to make to the 2015 Second Quarter Report, representatives of the committee have contacted you and others within the Division to provide specific guidance on such changes. In conjunction with those communications, the committee has highlighted the guidance and examples provided by the FEC Campaign Guide and referenced Advisory Opinions. As of the date of this response letter, however, the committee has not received any formal written advice on the nature of the particular amendments that should be made.

Given the specific guidance, advice and examples provided by the FEC in its own Campaign Guide materials, AWFS believes that its present approach to the disclosure of the described non-travel cash advances in the 2015 Second Quarter Report is wholly in compliance with federal law, FEC regulations, and accepted reporting practices. As such, the committee has not incorporated any changes into its Amended 2015 Second Quarter Report regarding the third issue raised by the RFAI. In spite of these facts, AWFS remains committed to full compliance with FEC rules and regulations and to cooperation with the Reports Analysis Division. In turn, AWFS would be willing to revisit its disclosure of the described non-travel cash advances and make any recommended amendments to its 2015 Second Quarter Report if the FEC and Reports Analysis Division can provide the committee with an explanation for why the reporting methodology provided by the Commission's Campaign Guide is wrong, and likewise offer clear written direction on how the relevant entries in AWFS' Second Quarter Report should be amended. To facilitate this process, we are available (in conjunction with Mr. Esposito and other representatives of the AWFS) to discuss how best to proceed with any future changes that may be necessary to the 2015 Second Quarter Report.

Thanks in advance for your time and assistance with these matters. Should the Commission or Reports Analysis Division have any follow-up questions or concerns regarding the issues raised in the RFAI, this response letter, or the Amended 2015 Second Quarter Report, please do not hesitate to contact us.

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APPENDIX

In the Reports Analysis Division's Request for Additional Information (RAFI) letter of September 7, 2015, it identified three matters for further attention. First, it noted that the totals listed on Lines 6(a), 6(c), 7(a), 11(a)(iii), 11(e), 16, 17 and 22 on Column B of the Summary and Detailed Summary Pages of the committee's 2015 Second Quarter Disclosure Report appeared to be incorrect. Second, it identified several contribution entries in the committee's 2015 Second Quarter Disclosure Report that utilized the descriptions "Employer Requested/Occupation Requested" or "Self-Employed/Self-Employed" rather than providing full employer and occupation data for individuals contributing in excess of \$200 to the committee during the present election cycle. Finally, it asserted that certain entries on Schedule A of the committee's 2015 Second Quarter Report "disclose[] information which inflates [the committee's] cash on hand." Each of these matters is addressed in turn below.

As noted in the RAFI correspondence of September 7, 2015, the original 2015 Second Quarter Disclosure Report submitted by August Wolf for Senate (hereinafter "AWFS") contained Column B figures for the Summary and Detailed Summary Pages that did not equal the sums contained in the Column A entries in the Report. Since the 2015 Second Quarter Disclosure Report submitted by AWFS was the committee's first filed report of the election cycle, the totals provided on Lines 6(a), 6(c), 7(a), 11(a)(iii), 11(e), 16, 17 and 22 of Column B should have matched the totals provide in Column A on those same Lines. They unfortunately did not.

This inadvertent discrepancy between the Column B and Column A totals in the 2015 Second Quarter Report was caused by a technical oversight associated with the preparation of the disclosure via the FEC File software program. Certain contributions and expenditures that took place during the "testing the waters" period prior to the launch of Mr. Wolf's campaign (and which were reported as required by federal law) fell outside of the automatic date range established by the FEC File software program for the second quarter reporting period. As such, these "testing the waters" contributions and expenditures were totaled in the Line entries within Column A of the Summary and Detailed Summary pages, but were not incorporated into the Line entries within Column B of the Summary and Detailed Summary pages. After phone consultation with the Reports Analysis Division (including yourself) and Federal Election Commission (FEC) technical support, the automatic date range selection for the summary pages was reset to include the "testing the waters" period, and the proper totals were entered in Column

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B on the report. These corrected totals are reflected on the Amended 2015 Second Quarter Report submitted by AWFS in conjunction with this response letter.¹

With regard to the second issue raised in the RFAI letter, it appears that several itemized contribution entries reported in AWFS' 2015 Second Quarter Disclosure Report contained employer and occupation data for individual contributors that was insufficient under the policies established by the Reports Analysis Division. Specifically, several contributor entries contained employer and occupation data for individual donors that stated "Employer Requested/Occupation Requested", "Employer Requested/Trader", and "Self-Employed/Self-Employed". At the time of disclosure preparation for the 2015 Second Quarter Report, such entries were included to provide notice to the Reports Analysis Division that the committee was in the process of meeting its "best efforts" obligations under 11 C.F.R. § 104.7(b)(1) *et seq.* regarding the reporting of contributor employer and occupation data. Since that time, however, the specific employer and occupation descriptions for the donors referenced in the RFAI have been identified. The previously-incomplete contributor data has subsequently been replaced and duly incorporated into the Amended 2015 Second Quarter Report submitted by AWFS in conjunction with this response letter.

Moving to the final issue raised in the September 7, 2015 RFAI, it appears that the Reports Analysis Division believes that certain memo entries contained in Schedule A of the committee's 2015 Second Quarter Disclosure Report do not properly highlight personal advances made by the candidate (Mr. August Wolf) during the applicable FEC reporting period. To this point, the RFAI asserts that when an individual advances funds to a campaign (for the purpose of paying a vendor for non-travel costs) that will later be reimbursed, the amount listed on Schedule A "should be shown as a memo entry and not included in the receipts for the period." Upon review, however, this assertion appears to be in direct contradiction to published advice and guidance provided in Chapter 13 of the FEC Campaign Guide for Congressional Candidates and Committees, as well as referenced FEC Advisory Opinions in that Guide (*see, e.g.*, FEC Advisory Opinion 1992-01). Specifically, the instructions and examples provided by the FEC in its Campaign Guide (*see, e.g.*, Chapter 13, pg. 99) indicate that non-travel advances made and reimbursed in different reporting periods should be entered as itemized receipt entries on Schedule A with corresponding memo entries detailing the nature of these "in-kind" expenditures

¹ The Amended 2015 Second Quarter Disclosure Report for AWFS (signed by Mr. Esposito) has been sent, as per the instructions of the Secretary of the Senate, to the Senate Public Records Office via Registered or Certified Mail (postmarked by today's date). A courtesy copy of this letter will accompany the amended disclosure report for ease of reference. For informational purposes, an electronic copy of this response letter and PDF of the amended report will also be sent to Ms. Kelly for her reference.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

September 7, 2015

CHRISTOPHE ESPOSITO, TREASURER
AUGUST WOLF FOR SENATE
P.O. BOX 113255
STAMFORD, CT 06911

Response Due Date

10/13/2015

IDENTIFICATION NUMBER: C00577536

REFERENCE: JULY QUARTERLY REPORT (01/01/2015 - 06/30/2015)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 item(s):

1. The totals listed on Line(s) 6(a), 6(c), 7(a), 7(c), 11(a)(iii), 11(e), 16, 17 and 22, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/5/14 through 11/8/16). (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3)

2. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The following employer and occupation entries appear on your report and are not considered acceptable: "Employer Requested/Occupation Requested," "Employer Requested/Trader," and "Self Employed/Self Employed."

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You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution; inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

3. Schedule A of your report discloses information which inflates your cash on hand. Please be advised that when any individual, including the candidate, uses his or her personal funds or personal credit to pay a vendor for a campaign expense and is later reimbursed, the amount listed on Schedule A, should be shown as a memo entry and not included in the receipts for the period. Memo

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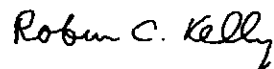
entries are used only to provide supplemental information on a reporting schedule. Please amend your report to correct this discrepancy. (11 CFR § 104.3(a)(3))

Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, contributions from the candidate should be properly disclosed on a separate Schedule A, supporting Line 11(d) of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR § 104.3(a) and (b))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1170.

Sincerely,



Robin Kelly
Senior Campaign Finance Analyst
Reports Analysis Division

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United States Senate

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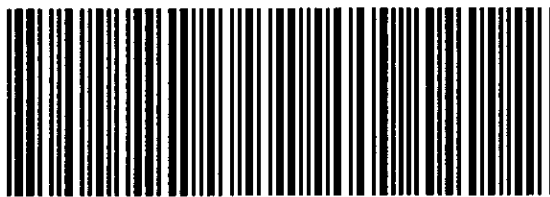
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